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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,905	01/04/2002	Blake L. Reynolds	8614.61	8720
21999	7590	09/26/2005		
KIRTON AND MCCONKIE 1800 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE P O BOX 45120 SALT LAKE CITY, UT 84145-0120			EXAMINER KARMIS, STEFANOS	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,905

Applicant(s)

REYNOLDS, BLAKE L.

Examiner

Stefano Karmis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 05 July 2005.

Status of Claims

2. Claims 1-12 and 18-23 are previously presented. Claims 13-17 are cancelled. Therefore claims 1-12 and 18-23 are currently pending.

Response to Arguments

3. Applicant's arguments filed 05 July 2005 have been fully considered but they are not persuasive as discussed below. Therefore, claims 1-12 and 18-23 remain rejected as stated in the previous office action, mailed 17 June 2005. Therefore Applicant's request for allowance is respectfully declined.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6, 8-12 and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Siegel et al. (hereinafter Siegel) U.S. Publication 2002/0046049.

Claims 1-6, 8-12 and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Siegel et al. (hereinafter Siegel) U.S. Publication 2002/0046049 as stated in the previous office action, mailed 17 June 2005.

Regarding claims 1, 8 and 20, Siegel teaches a method for encouraging the presentation of a series of unpaid debts to a collection agency, the method comprising the steps for: receiving a request to collect on an unpaid debt (page 2, paragraph 0028); determining whether to allocate a reward for the unpaid debt, wherein the reward includes a non-monetary incentive (page 4, paragraphs 0046-0047); selectively performing one or more debt collection procedures to collect at least a portion of the unpaid debt (page 4, paragraph 0057); and selectively apportioning the portion of the unpaid debt that has been collected (page 4, paragraph 0057 thru page 5, paragraph 0058).

Applicant submits that Siegel fails to teach "receiving a request to collect on an unpaid debt. The Examiner respectfully disagrees. Siegel teaches "a promise for payment on an account may generally be negotiated by CSRs (page 2, paragraph 0028). Further, in the

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background Siegel teaches a role of the CSR, “CSRs are often directed to try to obtain a promise from the account holders to pay a certain amount of the balance due” (page 1, paragraph 0004).

Applicant further submits that Siegel fails to teach, “determining whether to allocate a reward for the unpaid debt, wherein the reward includes a non-monetary incentive.” Applicant asserts that Siegel allocates rewards as the debt is paid. The Examiner would like to point out that claim 1 recites “determining whether to allocate a reward for the unpaid debt, wherein the reward includes a non-monetary incentive.” There is no discussion in the claim language of when the reward is allocated. Therefore, Siegel does teach this limitation and this argument is moot.

Further, Applicant contests that Siegel fails to teach, “selectively apportioning the portion of the unpaid debt that has been collected.” The Examiner again disagrees. Siegel teaches negotiating payment promises and schedules (page 4, paragraph 0057). This selectively apportions the payment. The Applicant did not detail this feature further in the remarks. Therefore the Applicant has not provided sufficient evidence to overcome the rejection. Further in appears in the preamble that the debt collection is for a series of unpaid debts however the claims only collect on one unpaid debt. Claims must be given their broadest reasonable interpretation consistent with the supporting description. See *In re Hyatt*, 211 F.3d 1367, 1372, 54, USPQ2d 1664, 1667 (Fed. Cir. 2000). Therefore Applicant’s arguments regarding claims 1 and 20 are not persuasive.

Regarding claims 3, Applicant asserts that Siegel fails to teach “education and certification.” However, Siegel teaches that CSR are employed by banks and specialize in credit

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card accounts, mortgages, personal loans and other accounts. Therefore the CSR has to have a certain level of education and certification to perform their function.

The remaining claims contain limitations similar to those claims above and therefore are rejected under the same reasoning or based upon their dependency to the claim above. Therefore claims 1-12 and 18-23 remain rejected and Applicant's request for allowance is respectfully declined.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted
Stefano Karmis
15 September 2005

A handwritten signature in black ink, appearing to read 'Hani M. Kazimi', with a stylized flourish at the end.

HANI M. KAZIMI
PRIMARY EXAMINER